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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,728	01/16/2004	Harold L. Wagner	0403UR	6375
	7590 10/18/2004		EXAMINER	
Paul S. Rooy 2620 S. Peninsula Dr Daytona Beach, FL 32118			ALI, MOHAMMAD M	
			ART UNIT	PAPER NUMBER
			3744	
DATE MAILED: 10/18/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/758,728	Applicant(s) WAGNER ET AL.	
	Examiner Mohammad Ali	Art Unit 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/16/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Phrase "may be" in line 4 of claim makes the claim indefinite.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "evaporator mounted on the body bottom" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

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of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-2 and 3 are rejected under 35 U.S.C. 102(a) as being anticipated by Nakajima (6,513,341). Nakajima discloses a vehicle air conditioning system comprising a direct current split air conditioner 100 including compressor 1, a condenser/external heat exchanger 2, an evaporator/first internal heat exchanger 3, the evaporator being placed in an insulated/inherent duct 3 is considered located remote from compressor 1 and the condenser 2. See Fig. 1-2 and column 4, lines 4-8.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima. Nakajima discloses the invention substantially as claimed as stated above. However, Nakajima does not disclose the location of the compressor, condense and evaporator on the vehicle body front. The examiner considers that almost all the vehicle air conditioner compressor, condenser and evaporator are mounted in the vehicle front/engine room. Hence, the location is an obvious known feature.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima in view of Grafton (20030014992A1). Nakajima discloses the invention substantially as claimed as stated above. However, Nakajima does not disclose the location of the compressor on the vehicle body bottom. Grafton teaches the use of a compressor 50 mounted on the body bottom in a vehicle air conditioning system for the purpose of having a desired location of the compressor. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the vehicle air conditioning system of Nakajima in view of Grafton such that the compressor

could be mounted on the body bottom in order to have a desired location of the compressor.

Claims 6-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima in view of Aoki (20040112076A1). Nakajima discloses the invention substantially as claimed as stated above. However, Nakajima does not disclose the location of the compressor and condenser on the vehicle rear. Aoki teaches the use of a compressor and condenser mounted on the body rear in a vehicle air conditioning system for the purpose of having a desired location of the compressor and condenser. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the vehicle air conditioning system of Nakajima in view of Aoki such that the compressor and a condenser could be mounted on the body rear in order to have a desired location of the compressor and condenser. Regarding shelf for claims 7 and 9, the examiner considers the numeral 2 of Aoki include a shelf.

Claims 10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima in view of Drucker et al., (5,632,330)). Nakajima discloses the invention substantially as claimed as stated above. However, Nakajima does not disclose the location of the condenser and evaporator on the vehicle roof. Drucker et al., teach the use of a condenser 56 and evaporator 40 mounted on the body roof in a vehicle air conditioning system for the purpose of having a desired location of the condenser and evaporator. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the vehicle air conditioning system of

Nakajima in view of Drucker et al., such that a condenser and an evaporator could be mounted on the body roof in order to have a desired location of the condenser and the evaporator. Regarding shelf for claims 12, the examiner considers the roof surface on which the evaporator 40 of Drucker et al., is mounted as a shelf.


Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima in view of Sugiura (20040031602A1)). Nakajima discloses the invention substantially as claimed as stated above. However, Nakajima does not disclose the location of the evaporator on the vehicle body bottom. Sugiura teaches the use of an evaporator 314 mounted on the body bottom in a vehicle air conditioning system for the purpose of having a desired location of the evaporator. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the vehicle air conditioning system of Nakajima in view of Sugiura such that an evaporator could be mounted on the body bottom in order to have a desired location of the evaporator.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is 703-308-5032. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Esquivel Denise can be reached on 703-308-2597. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Mohammad M. Ali
October 14, 2004